



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 7, 1998

Mr. Jimmy W. Williams
Superintendent
Dallas County Schools
612 North Zang Blvd.
Dallas, Texas 75208

OR98-1591

Dear Mr. Williams:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117686.

The Dallas County Schools (the "county") received a request for a list of all school bus drivers working for the county, including their full names, dates of birth, social security numbers, and driver's license numbers. You raise no exception to disclosure on behalf of the county, and make no arguments regarding the confidentiality of the requested information. You have, however, submitted a representative sample of the information at issue for our review.¹

Pursuant to section 552.301(a), a governmental body that receives a written request for information that it wishes to withhold from public disclosure must ask for an attorney general's decision and state the exceptions that apply within a reasonable time but not later than the tenth business day after the date of receiving the written request. You did not raise any exceptions to disclosure within the time period prescribed by section 552.301(a). Therefore, the requested information is presumed public.²

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach and, therefore, does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²Furthermore, we note that driver's license numbers of "motor carriers" are not protected by section 552.130. See Open Records Letter Nos. 98-1486 (1998), 98-1342 (1998), 98-0811 (1998).

Notwithstanding the above, it is possible that some of the information may be confidential under section 552.117 of the Government Code. Section 552.117(1) excepts from public disclosure information relating to the home address, home telephone number, and social security number of a current or former government employee or official, as well as information revealing whether that individual has family members. Section 552.117(1) requires you to withhold this information for an official, employee, or former employee who requested that this information be kept confidential under section 552.024. *See Open Records Decision Nos. 622 (1994), 455 (1987).* You may not, however, withhold the information of a current or former employee who made the request for confidentiality under section 552.024 after this request for information was made. Whether a particular piece of information is public must be determined at the time the request for it is made. *Open Records Decision No. 530 (1989) at 5.*³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

³In addition, a social security number or "related record" may be excepted from disclosure under section 552.101 in conjunction with the 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(vii). In relevant part, the 1990 amendments to the federal Social Security Act make confidential social security account numbers and related records that are obtained and maintained by a state agency or political subdivision of the state pursuant to any provision of law enacted on or after October 1, 1990. *See Open Records Decision No. 622 (1994).* We caution, however, that an employer may be required to obtain an employee's social security number under laws that were enacted before October 1, 1990; a social security number obtained under a law that was enacted before October 1, 1990, is not made confidential by the 1990 amendments to the Social Security Act. Based on the information that you have provided, we are unable to determine whether the social security numbers contained in the submitted documents are confidential under federal law. On the other hand, section 552.352 of the Government Code imposes criminal penalties for the release of confidential information. Therefore, prior to releasing *any* social security number, you should ensure that it was not obtained pursuant to a law enacted on or after October 1, 1990. We note, however, that hiring an individual after October 1, 1990, is not the same as obtaining an individual's social security number pursuant to a law enacted on or after October 1, 1990.

Ref.: ID# 117686

Enclosures: Submitted documents

cc: Ms. Becky Conley
8247 Santa Clara
Dallas, Texas 75218
(w/o enclosures)